Supreme Court U S
FILED
MAY 4 - 2010
OFFICE OF THE CLERK

No 09-1135

IN THE

Supreme Court of the United States

HAROLD BRIAN KRIEG,

Petitioner

v

KENT J DAWSON, et al ,

Respondents

On a Writ of Certiorari to the

Ninth Circuit Court of Appeals

PETITION FOR REHEARING

HAROLD BRIAN KRIEG
113 Paul Avenue
Las Vegas, Nevada 89106
(702) 241-2298
PROPER PERSON

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OTHER

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PETITION FOR REHEARING

Pursuant to Rule 44, Proper Person Petitioner, Harold Brian Krieg, respectfully petitions this Court for a rehearing.

Growing up, and being taught in school, Mr. Krieg truly believed courtrooms were places where judges listened to the facts carefully and decided cases honestly Then Mr Krieg got the lesson of his life when he, because of the Respondents' action, now suffers from Legal Abuse Syndrome (a part of Post Traumatic Stress Disorder) found out that Judges are above the law, can commit crimes without being punished, etc Throughout Mr Krieg's filed documents, Mr Krieg has shown proof

Judges have taken control of the "right" to assert your guaranteed rights, i e , they are no longer inalienable as guaranteed in the Constitution You have them only when a judge feels like letting you have them If he doesn't, you don't There is nothing you can do.

Effectively, judges "dispense" our rights at their whim and pleasure with total impunity

Unfortunately, ordinary citizens have no other means to enjoy or enforce their civil rights except through that same court system What this means is that without a mechanism for remedy, (the court) you have no rights If a judge refuses to order relief, then you don't get any. Therefore, citizens have no choice but to (literally) pray to a judge for leave to assert their rights Where their prayers are denied, their rights are denied

Worse yet, is that, not only do the higher court Judges turn a blind eye, regarding corrupt, unethical lower court Judges, but so does/did the United States Attorney's Office (a division of the United States Department of Justice)

Title 18 U S C 242 provides that judges are liable for criminal acts committed under "color of law" meaning that judges may be immune from prosecution for civil misbehavior, but they are not immune from prosecution for criminal behavior

It must be remembered that during Mr Krieg's case, Judge Dawson did not preside Judge Hunt was named in his administrative capacity.

The only way to make a judge answer for criminal behavior is to bring criminal charges against him The ultimate irony here is that the only way to bring criminal charges against a bad judge is to ask another judge for permission to pursue the bad judge As noted above, that will never happen

As long as the subjects of the investigation (judges) are the gatekeepers of the investigation, there will be no investigation Therefore, judges have rendered Title 18 U S C 242 unenforceable

So then why haven't the Respondents been investigated and criminally charged (via an independent special prosecutor), as Mr Krieg had also asked

Throughout Mr Krieg's filed documents, including but not limited to his Petition For Writ Of Certiorari,

Mr Krieg pointed out how the Respondents violated Mr Krieg's constitutional rights (See Page 23 of said Petition), committed perjury (See Page 24, of said Petition), committed 18 USC 241 violations (See Page 28 of said Petition), committed retaliatory actions against Mr. Krieg (See Page 11, of said Petition) because Mr. Krieg exercised his freedom of speech, a right guaranteed to him by the First Amendment, by criticizing Judge Kent Dawson.

How fair is it that those Judges who commit criminal behavior are allowed to get away with it, while the common man is criminally charged, prosecuted, and incarcerated

Mr. Krieg has shown that United States District Court – District of Nevada Judge Kent Dawson has a history of committing these types of violation, and because the United States Attorney's office represents said Federal Judge, Judge Dawson will be allowed to continually violate the rights of any and every citizen he opts to

Mr Krieg has also shown in prior filed documents, that Kent Dawson has been a plaintiff in court cases

The Supreme Court requires lower courts to consider three factors when determining if procedures are constitutionally sufficient (1) the private interest to be affected by the action, (2) the risk of erroneous deprivation of that interest through the procedures that were used and the probable value of added procedures, and (3) the government's interest, including the fiscal

and administrative burdens of added procedures Mathews v Eldridge, 424 U S 335, 96 S Ct 893

To show, yet another way that Proper Person, Harold Brian Krieg was discriminated against, Mr Krieg wishes to point out that when he (Krieg) photo-reduced exhibits, his (Krieg) entire forty copies of his Writ of Certiorari were sent back to him (Krieg) to be redone, at Mr Krieg's expense While in Docket No 09-9140 (Steven Crain v Clark County Public Defender, et al) attorney Josh Cole Aicklen (Attorney for Respondents John Pacult and Diane Williams) was permitted to photo-reduce exhibits Even though Mr Aicklen did photo-reduce, this United States Supreme Court did not send back all of his (Aicklen) copies and nor did this Court order him (Aicklen) to resubmit the copies in accordance with Rule 33.1, as this said Court made poor proper person, Harold Brian Krieg, do

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CONCLUSION

For the foregoing reason, this petition for rehearing should be granted.

Respectfully submitted,

Harold Krieg

HAROLD BRIAN KRIEG
113 Paul Avenue
Las Vegas, Nevada 89106
(702) 241-2298
PROPER PERSON

CERTIFICATE OF COUNSEL

As counsel for pro se petitioner, I hereby certify that this petition for rehearing is presented in good faith and not for purposes of delay

Harold Krieg

HAROLD BRIAN KRIEG
Counsel for Pro Se Petitioner
113 Paul Avenue
Las Vegas, Nevada 89106
702-241-2298

May 4, 2010

EXHIBIT

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

February 23, 2010-05-03

Harold B Krieg
113 Paul Avenue
Las Vegas, NV 89106

RE: Harold Brian Krieg v Kent J Dawson, et al

Dear Mr Krieg

Returned are 39 copies of the petition for a writ of certiorari in the above-entitled case originally postmarked January 10, 2010, originally received January 13, 2010, and received again on February 19, 2010, which fails to comply with the Rules of the Court

The orders of the U.S district court (you have included the judgment) must be included in the appendix Furthermore, the lower court opinions have been photoreduced which is prohibited The orders must be retyped to meet the requirements of Rule 33 1(b) The appendix must be typeset in a Century family of type at least 12-point

Three copies of the corrected petition must be served upon opposing counsel. Rule 29 3

Sincerely,
William K Suter, Clerk
By

Gail Johnson
(202) 479-3038

Enclosures

Harold Brian Krieg
113 Paul Avenue
Las Vegas, Nevada 89106
702-241-2298

February 26, 2010

Mr. Jeffrey Atkins
United States Supreme Court
Washington, DC 20543-0001

Dear Mr. Atkins

On February 25, 2010, I received a box, via the United States Postal Office, from Gail Johnson Inside the box were the third set (40 copies) of Writ of Certiorari that I sent, via Fed Ex, to the United States Supreme Court on February 11, 2010 Along with the copies, in the box, was a letter, dated February 23, 2010, from Gail Johnson, saying "The orders must be retyped .."

The reason for me sending the corrected third set was because instead of typing the lower courts decisions, I photocopied/photo reduced them, in the second set The second set was sent on January 21, 2010

On February 3, 2010, at 11 25 a m , your time, I called you up and spoke with you about how am I supposed to get the lower courts' decisions to fit the 6 1/8 by 9 1/4 required size, when the decision take up 8 ½ - 11 page You said that all I have to do is retype the decisions You also said that I do not have to have the

Judges' signatures, since the United States Supreme Court understands and would check to see which Judge(s) signed

Each time that I had to make copies and mail it to the United States Supreme Court, I had to spend nearly $300 00 Multiply that by 3 times, and I have already spent about $900 00 plus the $300 00 filing fee.

The reason I did not file In Forma Pauper was because even though m sole income is $570 00 from Social Security Disability (SSD), I have just about $10,000 saved That SSD plus my saving goes to pay rent, utilities, groceries, medical insurance, internet access, copier ink, personal hygiene and household cleaning products, etc

I know, according to court rules, and per what Gail Johnson has stated in her 3 letters to me, that I have 60 days from January 13, 2010 to file the corrected petition, which falls on March 13, 2010.

I, as a proper person petitioner, am getting a bit frantic, since time of the essence and the deadline is getting very close. As you read this letter, and the attached document, you will understand why I am also asking, if allowed, to have my case re-assigned to another case manager.

The attached document is the Memorandum Opinion (June 2, 2008) in which Plaintiff (Gregory Charles Krug) alleges that Court Clerk Gail B. Johnson refuses to file and/or destroys documents that that Plaintiff sent to the court.

I also want to point out to you, when I spoke with Gail Johnson on February 19, 2010, at about 2.30 p m. (your time), Ms Johnson told me that I had sent the third set of Writs the wrong size I told her I sent them the 6 1/8 by 9 ¼ regulation size. Ms Johnson realized that she had someone else's documents on top of mine Ms Johnson also told me that she would call me in a few days, instead, she mailed me the third set of Writs back

Also in that phone conversation, she said that the reason for the delay was weather related While I do know that the East Coast has had bad weather, I would like to know how is it then when someone else sent, via Fed Ex, his Proper Person, In Forma Pauperis Writ of Certiorari, about a minute before I did, on February 11, 2010, how is it that his case manager, was able to docket it on the February 19, 2010 According to Fed Ex both mine and that other person's packages were received by the United States Supreme Court on February 18, 2008 My package was sign by LJHONSON (United States Supreme Court) at 10:29 a m

Is it to much to ask for equal and fair treatment? I am not an attorney, but that does not mean that I should have to endure additional stress, and additional expenses and costs, and delay of justice. According to case law, a Pro Se's filings are looked at less stringently than those typed by attorneys

I am re-submitting the 40 copies of the third set, so that either you or another case manager would then be able to docket my case

If you require further information, please feel free to contact me

Sincerely,

Harold Brian Krieg

Harold Brian Krieg
113 Paul Avenue
Las Vegas, Nevada 89106
702-241-2298

March 12, 2010

Mr Jeffrey Atkins
United States Supreme Court
Washington, DC 20543-0001

Dear Mr Atkins:

Pursuant to our telephone conversation on March 12, 2010, at 10:50 a m. (my time), 1:50 p.m (your time), you asked me to re-submit my Writ In said phone conversation, you also stated that the re-submission of the Writ, would still be considered timely, despite the original deadline.

Enclosed please find the 40 copies of my Writ of Certiorari, that I am re-submitting, so that my case can be docketed

If you require further information, please feel free to contact me

Sincerely,

Harold Brian Krieg

Encl

Docket No. 09-9140

IN THE SUPREME COURT OF THE UNITED STATES

STEVEN CRAIN,

Petitioner,

v

CLARK COUNTY PUBLIC DEFENDER; ET AL

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS, NINTH CIRCUIT

BRIEF IN OPPOSITION TO THE PETITION FOR WRIT OF CERTIORARI

Josh Cole Aicklen, Esq.
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Attorneys for Respondents
JOHN PACULT and DIANE WILLIAMS

FILED

JAN 21 2010

MOLLY C DWYER, CLERK
U S COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

STEVEN CRAIN,

Plaintiff - Appellant,

v

CLARK COUNTY PUBLIC DEFENDER, et al ,

Defendants - Appellees

No 08-17646

DC # 2 08-cv-00818-KJD-PAL
Nevada

ORDER

Before ALARCON, TROTT, and TASHIMA, Circuit Judges

Appellant's response to memorandum dated December 16, 2009, is construed as a petition for panel rehearing and, so construed, the petition for panel rehearing is denied

No further filings shall be accepted in this closed case

AO450 (Rev 5/85) Judgment in a Civil Case

UNITED STATES DISTRICT COURT

DISTRICT OF Nevada

Steven Crain,

Plaintiff,

V

Clark County District Court, et al

Defendants

JUDGMENT IN A CIVIL CASE

Case Number 2 08-cv 818-KJD-PAL

☐ **Jury Verdict** This action came before the Court for a trial by jury The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court** This action came to trial or hearing before the Court The issues have been tried or heard and a decision has been rendered

IT IS ORDERED AND ADJUDGED

that judgment is entered for all defendants and against Plaintiff Steven Crain

November 26, 2008

Date

/s/ Lance S Wilson

Clerk

/s/ Andrew Mennear

(By) Deputy Clerk

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 16 2009

MOLLY C DWYER, CLERK
U S COURT OF APPEALS

STEVEN CRAIN, Plaintiff - Appellant, v CLARK COUNTY PUBLIC DEFENDER, et al , Defendants - Appellees	No 08-17646 D C No 2 08-cv-00818-KJD-PAL MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Kent J Dawson, District Judge, Presiding

Submitted November 17, 2009**

Before ALARCON, TROTT, and TASHIMA, Circuit Judges

Steven Crain appeals pro se from the district court's judgment dismissing with prejudice his 42 U S C § 1983 action We have jurisdiction under 28 U S C

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* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir R 36-3

** The panel unanimously finds this case suitable for decision without oral argument *See* Fed R App P 34(a)(2)